

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD:

TTAB

Request For Reconsideration of Extension of Time to Oppose

Reference: Serial No. 78528120 / Tracking No. ESTTA48855

Statement of Facts:

Potential Defendant: The trademark for which I have applied is "G-Stringers," within category IC 014 Jewelry (Serial No. 78528120). The trademark for "G-Stringers" was filed on December 7, 2004 and published for opposition on September 20, 2005.

Potential Plaintiff: The request for extension of time to oppose was submitted by "Earstrings, LLC" and granted by the Trademark Trial and Appeal Board on October 14, 2005.

Objections to Extension of Time to Oppose:

I respectfully submit that the extension of time to oppose that has been granted in the above matter be reconsidered, and any further requests for extension of time to oppose, be denied. This delay is having an adverse effect on my ability to do business, and I am seeking relief to avoid additional loss of business.

A. Opposer is Using a Delaying Strategy in Defiance of Priority of Use:

The request for extension of time to oppose appears to be nothing more than a delaying strategy, to enable Earstrings, LLC to gain time for their own, potentially infringing application:

1. As noted, the trademark for "G-Stringers" was filed by the undersigned on December 7, 2004 and published for opposition on September 20, 2005.
2. On March 16, 2005, the attorney of record representing "Earstrings, LLC" filed an application (serial no. 78588508) for the trademark "Gee-Stringz!" within IC 14 Jewelry; this filing being more than 3 months after my filing of "G-Stringers."



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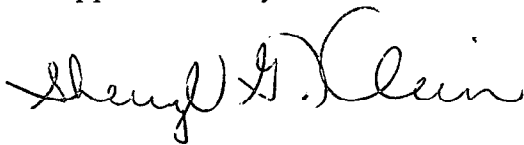
Thus the extension of time to oppose, especially if extended, could damage the time advantage we hold by having filed our application over 3 months earlier, and be in violation of our Priority of Use.

B. "G-Stringers" does not pose a conflict or infringement with "Earstrings"

1. The trademark "G-Stringers" does not contain the word "ear"
2. The trademark "G-Stringers" does not use the word "string", but rather "stringers" which is a common jewelry industry description of "one who strings."
3. There is precedent of other trademarks co-existing with Earstrings within category IC 014 Jewelry:
 - o "Pearl Strings" (registration 2970304; first used in commerce 2003-03-01)
 - o "Starstrings" (registration 2870639; first used in commerce 2004-01-01)
 - o "Bling-String" (serial 78547633; first used in commerce 2004-11-03)
4. The above referenced "Pearl Strings" actually contains the word "ear" within Pearl, which is far closer to Earstrings than "G-Stringers."
5. My trademark "G-Stringers" clearly does not pose a conflict to "Earstrings" under Section 2(d) of the Act, 15 U.S.C. para. 1052(d) which defines the potential to cause confusion, or to cause mistake, or to deceive, or dilute the distinctive quality of plaintiff's famous mark.

I therefore respectfully request that the extension of time to oppose that has been granted to Earstrings, LLC in the above matter be reconsidered, and any further requests by Earstrings, LLC for extension of time to oppose, be denied.

In appreciation of your consideration,



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